

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANDREW BARRETT,

Plaintiff,

v.

KEVIN BOYER, *et al.*,

Defendants.

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Civil Action No. 9:17-CV-0084  
(TJM/DEP)

THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, Chief United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Peebles's May 17, 2018 Report and Recommendation [dkt. # 28] have been filed, and the time to do so has expired.

**II. DISCUSSION**

After examining the record, the Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice.

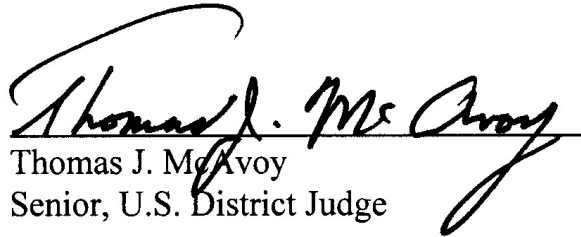
**III. CONCLUSION**

Accordingly, the Court **ACCEPTS and ADOPTS** the Report and Recommendation

[dkt. # 28] for the reasons stated therein. Defendants' motion for summary judgment [Dkt. # 17] is **DENIED**.

**IT IS SO ORDERED.**

Dated: July 12, 2018

  
Thomas J. McAvoy  
Senior, U.S. District Judge